IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.1296/06

Shri.Navin Kumar Shetty & Ors .... Applicants

V/s.

The State of Maharashtra .... Respondent

Shri.Amrit Sale Adv. for the applicant.
Shri.R.Y. Mirza APP for the State.

CORAM : V.M. KANADE, J.

DATED : 18/04/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicants were arrested in connection with C.R.No.89/2005 registered with Jaysingpur Police Station for the offences punishable U/s.302, 147, 148, 149, 326, 324 & 502 of IPC. The applicants are working in a hotel. Investigation is over. Chargesheet has been filed.

3. It is the case of the applicants that deceased and his friend had gone to Saptagiri and had

consumed alcohol and thereafter they refused to pay bill to the waiter. There was a quarrel between deceased, his friend and applicants, Manager and staff of the Hotel.

4. It is alleged that the applicants had assaulted the deceased with utensils which were in the hotel. P.M. Notes indicates that there was one injury on the head which had caused death. It is alleged that applicant No.1 was author of the said injury.

5. It is alleged that the other applicants had also assaulted the deceased and his friend. Taking into consideration peculiar circumstance, in my view this is a fit case for grant of bail. Deceased and his friend after having enjoyed hospitality at the hotel and after having consumed alcohol had returned favour by assaulting the manager and the staff and even refused to pay the bill. Applicants had no other option to defend themselves and to protect their property. Incident also happened at the spur of movement. Considering the facts and circumstances of the case the applicants be released on bail in the

sum of Rs.5,000/- each with one or two sureties in like amount. The applicants shall report to Jaysingpur Police Station once in a month.

6. The applicants shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

7. The Trial Court shall not be influenced by any observations made by this Court while deciding the application and they shall not be construed as an expression of opinion on merits of the case.

8. The application is accordingly disposed of.

V.M. KANADE J.